

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

	X	
In re:	:	Case No. 08-03423-EE
	:	
WAREHOUSE 86, LLC,	:	Chapter 11
	:	
Debtor.	:	
	:	
	X	
SCK, INC. and RADIOSHACK CORPORATION,	:	Adv. Pro. No. 09-01339-EE
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
WAREHOUSE 86, LLC,	:	
	:	
Defendant.	:	
	X	

**RESPONSE OF PLAINTIFFS TO (I) INDUSTRIAL DEVELOPMENTS
INTERNATIONAL, INC.' S LIMITED OBJECTION TO PLAINTIFFS' SUBPOENA
FOR THIRD PARTY DOCUMENTS (Dkt. #14) AND (II) THE TOKIO MARINE AND
NICHIDO FIRE INSURANCE COMPANY, LTD (UNITED STATES BRANCH)' S
LIMITED OBJECTION AND JOINDER IN IDI' S LIMITED OBJECTION TO
PLAINTIFFS' SUBPOENA FOR THIRD PARTY DOCUMENTS (Dkt. #17)**

Plaintiffs, SCK, Inc. f/k/a SC Kiosks, Inc. and RadioShack Corporation (“ Plaintiffs”),
as and for their response to (I) Industrial Developments International, Inc.’ s (“ IDI”) Limited
Objection to Plaintiffs’ Subpoena for Third Party Documents (Dkt. #14) and (II) The Tokio
Marine and Nichido Fire Insurance Company, LTD (United States Branch)’ s (“ Tokio
Marine”) Limited Objection and Joinder in IDI’ s Limited Objection (Dkt. #17), respectfully
represents:

1. In accordance with the Notice of Service of Discovery (Dkt. #13), on February

4, 2010, Plaintiffs served a subpoena upon IDI, requesting certain documents relative to this adversary proceeding.

2. IDI, as landlord, and Wireless Retail, Inc., as tenant, entered into a lease, dated August 1, 2003, relating to certain space known as Suite 110 in the Airways Distribution Center located at 481 Airport Industrial Drive, Southaven, Mississippi, or the Southaven Warehouse. A copy of the lease is attached as Exhibit A.

3. SC Kiosks, Inc. n/k/a SCK, Inc., is the successor in interest to Wireless Retail, Inc., by assignment dated October 1, 2004. And on July 11, 2006, SC Kiosks, Inc., subleased the Southaven Warehouse to the above-captioned debtor.

4. Tokio Marine is IDI's insurer, and wishes to review all documents and information produced by IDI in accordance with the subpoena.

5. By the subpoena, Plaintiffs have requested that IDI produce for inspection and copying certain documents and electronically stored information in IDI's possession, custody, or control, concerning the fire and tornado losses at the Southaven Warehouse, except for (i) documents or information within the scope of the attorney-client privilege, the work product doctrine, or the privilege granted for trial materials and materials prepared by counsel, or at the request of counsel, in anticipation of litigation, without a showing of substantial need; and (ii) documents or information otherwise protected by law. And to the extent IDI or Tokio Marine deems any responsive document or information to be confidential or proprietary and does not disclose the document or information, Plaintiffs have requested that a privilege log be provided by the entity asserting the privilege or protection.

6. To give Tokio Marine an opportunity to review all documents and information produced by IDI, Plaintiffs have agreed to grant IDI an extension to April 2, 2010, to respond to the subpoena, pursuant to the Joint Stipulation to Extend Time for Responding to Subpoena (Dkt. #20).

7. Plaintiffs have also agreed to reimburse IDI for the costs of reproduction at the rate of \$0.25 per page. IDI anticipates producing approximately 10,000 pages.

8. Plaintiffs, however, object to reimbursing Tokio Marine, in addition to reimbursing IDI, the subpoenaed party, for reproduction costs and expenses. Such demand is unreasonable under the circumstances.

9. Plaintiffs reserve the right to proffer additional responses and defenses to the objections of IDI and Tokio Marine at the hearing thereon.

Dated: March 15, 2010

Respectfully submitted,

SCK, INC. and RADIOSHACK CORPORATION

/s/ Marcus M. Wilson

Marcus M. Wilson (MS Bar #7308)

W. Lee Watt (MS Bar #6998)

Andrew R. Wilson (MS Bar #102862)

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ATTORNEYS FOR SCK, INC. AND RADIOSHACK
CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing response via the CM/ECF system, which sent notice to the following:

M. Scott Jones, Esq.

Trey Manheim, Esq.

Stephen Rosenblatt, Esq.

Robert M. Frey, Esq.

/s/ Marcus M. Wilson